

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

VINCIN CAMPISE,

Plaintiff,

v.

JUDGE BRYAN F. RUSS, COURT CO-
ORDINATOR CARRIE VERZENSKI,
DISTRICT CLERK BARBARA AX-
TELL, CHRISTOPHER SMITHER-
MAN, HECTOR DAVILA, BB&T
TRUST BANK, DAVID CLEM,

Defendants.

CIVIL NO. W-22-CV-01083-ADA

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 45. The report recommends Motion to Dismiss by Defendant Judge Bryan F. Russ (ECF No. 25), Motion to Dismiss by Defendants Barbara Axtell and Carri Verzinski (ECF No. 26), and Motion to Dismiss by Defendants Hector Davila, Truist Bank, and David Clem (ECF No. 35) be **GRANTED**; and Motion for Consideration Declaratory Judgment by Vincin Campise (ECF No. 23) and Motion by Default Declaratory Judgment by Vincin Campise (ECF No. 24) be **DENIED AS MOOT**. The report and recommendation was filed on February 28, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*,

677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on March 8, 2024. ECF No. 47. The Court has conducted a *de novo* review of the motion to dismiss, the responses, the report and recommendation, the objection to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge’s findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland, ECF No. 45, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff’s objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendant Judge Bryan F. Russ’s Motion to Dismiss, ECF No. 25, is **GRANTED** in accordance with the Report and Recommendation.


IT IS FURTHER ORDERED that Defendants Barbara Axtell and Carri Verzinski’s Motion to Dismiss, ECF No. 26, is **GRANTED** in accordance with the Report and Recommendation.

IT IS FURTHER ORDERED that Defendants Hector Davila, Truist Bank, and David Clem’s Motion to Dismiss, ECF No. 35, is **GRANTED** in accordance with the Report and Recommendation.

IT IS FURTHER ORDERED that Plaintiff Vincin Campise’s Motion for Consideration Declaratory Judgment, ECF No. 23, is **DENIED AS MOOT** in accordance with the Report and Recommendation.

IT IS FINALLY ORDERED that Plaintiff Vincin Campise’s Motion by Default Declaratory Judgment, ECF No. 24, is **DENIED AS MOOT** in accordance with the Report and Recommendation.

SIGNED this 22nd day of March, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE